

**Minutes of the Regular Planning Board Meeting  
Monday, August 27, 2007**

1. CONVENE: 7:07 p.m.
2. FLAG SALUTE: Member McNamara
3. ROLL CALL: President Cook, Vice President Kohlstrand, Cunningham, Ezzy Ashcraft, Lynch and McNamara.

Board member Mariani was absent.

Also present were Planning and Building Director Cathy Woodbury, Assistant City Attorney Donna Mooney.

4. MINUTES:
  - a. Minutes for the meeting of July 23, 2007.

Vice President Kohlstrand noted that the last paragraph on page 6 should be changed to read, "Vice President Kohlstrand noted that she had met with members of City staff and the Catellus team earlier in the week, and noted that this *street site* ~~was~~ not designed with parking."

Vice President Kohlstrand noted that the first paragraph on page 7 should be changed to be read, "There had been some question about the driveway for Catellus and future installation of a right-hand turn. She suggested that *if the street had been designed with parking, that would have been an option for creating some of the parking* ~~may be taken out in order to provide a turn pocket.~~"

Board member Ezzy Ashcraft noted that on page 2, the second paragraph under Staff Communications read, "Board member Ezzy Ashcraft inquired why this was such a complicated process, and noted that ~~only~~ Alameda and Piedmont *were the only cities in Alameda County that* had not enacted a green building ordinance."

Board member Ezzy Ashcraft noted that page 8, paragraph 2, should be changed to read, "Board member Ezzy Ashcraft inquired about approval of plans for property not yet acquired by the City. She also agreed with Board member Mariani's comments about the lack of visuals available for examination *with regard to issues raised by Mariner Square Athletic Club.*"

Vice President Kohlstrand moved approval of the minutes as amended.

Board member Ezzy Ashcraft seconded the motion, with the following voice vote – 5. Abstain – 1 (Cunningham). Absent – 1 (Mariani). The motion passed.

5. AGENDA CHANGES AND DISCUSSION:

President Cook noted that the staff and the applicant continue Item 8-A, the Annual Review of the Development Agreement for Harbor Bay Business Park so that some missing pieces of the background documents could be corrected. The item would be heard on September 10, 2007.

Board member Cunningham moved to continue Item 8-A to September 10, 2007.

Board member Lynch seconded the motion, with the following voice vote – 6. Absent – 1 (Mariani). The motion passed.

6. STAFF COMMUNICATIONS:

a. Future Agendas

Ms. Woodbury provided an update on future agenda items.

President Cook was concerned about delaying the Measure A Subcommittee report until October 22.

Ms. Woodbury advised that the next step was for the report to come to the Planning Board to take public comment on the structure of the forum, and to approve it before moving forward.

President Cook noted that two three-hour-long meetings had been held with a facilitator, resulting in a failure to reach consensus on any major points. She believed the Planning Board should still move forward in an appropriate forum.

Board member Ezzy Ashcraft shared President Cook's feeling about the Measure A forum and believed waiting until October 22 would be too long a wait. She would like to move forward while the issue was fresher in people's minds. She suggested moving that item to a meeting in September.

Vice President Kohlstrand inquired whether the summary of the meeting had been prepared. Ms. Woodbury confirmed that the summary was available to send to the committee before bringing it to the Board.

Ms. Woodbury noted that a special meeting may be scheduled in light of the larger agenda items scheduled for September.

President Cook suggested agendizing the Measure A subcommittee for September 10, allowing a certain amount of time for Alameda Towne Centre to start.

b. Zoning Administrator Report

Ms. Woodbury provided the Zoning Administrator report.

Board member Ezzy Ashcraft inquired whether the biodiesel storage tank was intended for City vehicles. Ms. Woodbury replied that it was for private use.

7. ORAL COMMUNICATION: None.

8. CONSENT CALENDAR: None.

8-A **Annual Review of Development Agreement - DA89-1** - Harbor Bay Business Park Association, Harbor Bay Isle Associates and Harbor Bay Entities – Bay Farm Island (Primarily Harbor Bay Isle)

Board member Cunningham moved to continue Item 8-A to September 10, 2007.

Board member Lynch seconded the motion, with the following voice vote – 6. Absent – 1 (Mariani). The motion passed.

8-B **Rezoning R07-0002/Planned Development PD07-0002/Parcel Map PM07-0004** - Applicant: John & Andrea Medulan - 3236 Briggs Avenue. The applicants request a Zoning Amendment to add a Planned Development (PD) overlay zoning designation to the property located at 3236 Briggs Avenue; and a Development Plan and Parcel Map (PM) approval to divide the existing 203-foot by 48-foot parcel into two parcels, each with an existing single family residence. The site is located within an R-4, Neighborhood Residential Zoning District. (LA)

Board member Cunningham moved to adopt A draft Planning Board Resolution to approve a Zoning Amendment to add a Planned Development (PD) overlay zoning designation to the property located at 3236 Briggs Avenue; and a Development Plan and Parcel Map (PM) approval to divide the existing 203-foot by 48-foot parcel into two parcels, each with an existing single family residence.

Vice President Kohlstrand seconded the motion, with the following voice vote – 6. Absent: 1 (Mariani). The motion passed.

9. REGULAR AGENDA ITEMS:

9-A Workshop to Develop Recommendation for Planning Work Program Priorities

Ms. Woodbury summarized the staff report and detailed the work program priorities, particular those required by State law.

In response to an inquiry by Board member Lynch whether the City would look at the Inclusionary Housing Ordinance in addition to the Density Bonus/Second Unit Ordinance, Ms. Woodbury replied that was not the plan.

President Cook inquired how the City could comply with the Density Bonus Ordinance if Alameda did not have much density due to Measure A. Ms. Woodbury replied that was the conundrum, and that going through the process and reconciling City Ordinances with State law would be challenging.

In response to an inquiry by Board member Cunningham whether the definition of “condominium conversion” was converting an existing building into individual ownership with tenancy in common, Ms. Woodbury confirmed that was the definition used by the City.

Board member Lynch noted that because the City was not in compliance with the Subdivision Map Act, he requested that staff bring it to the City Attorney’s office to bring the City into compliance. Ms. Woodbury noted that work had been initiated with the consultant to go through that process. She added that staff must go through the AMC to ensure there were no internal inconsistencies.

Board member Lynch noted that he applauded staff’s efforts, but was also quite concerned that the City may be over the edge of compliance with the law.

President Cook noted that the current subdivision ordinance did not provide for open space dedication, and inquired whether that was just for condo conversions. Ms. Woodbury replied that was for all subdivisions.

Ms. Woodbury pointed out that according to the status column, the projects were moving along at the same time, but each additional project slowed everything down.

Vice President Kohlstrand noted that this was the same list reviewed with City Council, and she believed it was important to understand what studies were underway. She agreed with Board member Lynch that it was also important to understand what City and staff resources were available to the City, and when the projects were scheduled to be completed. She would also like to know whether anything would be left over; if not, it was not productive for the City. She believed it was difficult to go through the priority exercise with the limited information available.

Ms. Woodbury replied that nearly everything on the list was started, and that a staff member was assigned to each item. Sometimes, consultants would be available to augment staff, which was a typical practice. She noted that it was difficult to find enough days to hold the kinds of public meetings that were needed to receive the input from the community.

Board member Ezzy Ashcraft believed the City should do what was required to get the legal requirements into compliance. It seemed to her that there were several items that could be merged, which should remove some of the time pressure. She inquired whether the staffing

issue had been solved if some of the work was going out to consultants. Ms. Woodbury replied that staff people were still required to manage a contract, but the bulk of the work would be performed by the consultant. She agreed that complying with State law was key, and suggested that the Planning Board identify the top priority as bringing the codes, ordinances and the General Plan into compliance with State law.

President Cook recommended that the Planning Board make bringing the City's plans and ordinances into compliance with State law the top priority. She suggested that if necessary, additional resources could be requested from City Council to fulfill that priority.

Ms. Woodbury noted that it was important to plan ahead, even if everything could not be commenced this year. She suggested that staging the projects would make best use of staff resources so that everything did not occur at the same time.

Board member McNamara did not believe it was the Planning Board's position to micromanage the Planning Department, and to identify the resources needed to get the work done; she added that was the job of the Planning and Building Director and staff. She encouraged the Board to rely on staff to accomplish that goal.

Ms. Woodbury noted that the only item on the first page of the work program not required by State law was the Zoning Overlay District. She noted that was an application and entitlement submitted by City Council, which the Board must move forward.

Board member Ezzy Ashcraft noted that a neighborhood meeting was scheduled for the Fall of 2007, and suggested that waiting for that input may make it less of a priority.

Board member Lynch inquired whether the City Council had considered the financial impact of that application, and he believed it would cause a tremendous negative impact on that neighborhood. He inquired whether the neighbors were aware of it. Ms. Woodbury replied that would be part of the discussion.

Vice President Kohlstrand believed the Mayor brought that issue up during the joint session.

Board member Lynch expressed concern that people may not realize the consequences of such a petition, and did not want that to be an issue after substantial financial and time resources have been expended.

Board member Cunningham requested that the impact of parking within the 20-yard front yard setback be studied. Ms. Woodbury replied that could be added.

Ms. Woodbury noted that the parking study was completed for Webster and Park Streets, but it did not mean the City could not look at parking regulations for the stations if a change in ordinance was being considered. She suggested that there may be flexibility for the stations, as well as parking in the front yard setback. She noted that those items may be examined at the same time, with a more global solution.

Ms. Woodbury noted that the green building ordinance item also includes sustainability, as well as ordinances to eliminate wood-burning fireplaces in new construction. She noted that the City would generate an RFP to get a consulting team to assist in that effort. She noted that there were a number of ordinances in place already, and that they did not want to create any internal conflicts that would make a new ordinance ineffective. She added that when requiring LEED certification for remodels and new construction, the historic structures should also be considered. She noted that while they may be green, they may not meet the LEED standards.

Board member Ezzy Ashcraft believed the Styrofoam (law) ordinance can go under the Climate Protection Task Force. She was concerned that with the amount of upcoming new construction, the City should be up to speed on these sustainability items. She noted that StopWaste.org moved its headquarters into a historic building on Franklin Street in downtown Oakland, which had many sustainable elements.

Ms. Woodbury noted that StopWaste.org actually gutted the building because there was nothing historic about the interior. They also renovated the entire exterior. She had referred to the Carnegie Building, which was intact inside and out. She noted that taking ducting through the open building would destroy the interior integrity of the historic structure. She noted that the National Trust was working on guidelines for similar situations.

Board member Ezzy Ashcraft did not believe the City's concern for the historic element should get in the way of doing a basic green building ordinance, and that add-ons could be done at a later point. She believed that the priority was getting a green building ordinance for new construction.

With respect to water conservation, Ms. Woodbury noted that this encompassed Bay-friendly landscape requirements, tree preservation and design standards. These practices would help improve the environment and sustainability.

President Cook would like to see more acknowledgement of the City's orientation to the water as an island, and would like to see more teeth in negotiations with developers.

Ms. Woodbury noted that the Station area Plan for Alameda Point was a grant-funded project being paid for by the Metropolitan Transportation Commission, which looked at different land use alternatives at Alameda Point and their effect on transportation, and on making it a transit terminal.

Board member McNamara inquired whether that was a time-sensitive item. Ms. Woodbury replied that was correct, and that it must be completed for grant funding completion. She added that must be completed by the end of the year.

Ms. Woodbury noted that the Global Sustainability item addressed Alameda doing its part to be as green as possible, and to implement policies and work with the community to improve the environment. She noted that a memorandum was available at the dais that addressed the status of the work being done by the Climate Protection Task Force.

Ms. Woodbury noted the possibility of revisiting the Alameda Downtown Vision Plan was a Development Services project. She identified that as an additional recommendation of the Planning Board to Development Services to work with the Economic Development Commission on the quarterly review.

In response to an inquiry by Board member McNamara regarding the Improved Service Delivery item identified in the previous work program, Ms. Woodbury replied that each Board and Commission that the Department staffed was doing its own work plan. She added that item was part of the Customer Service Improvement Committee, which was not a public board; that group worked directly with staff.

Ms. Woodbury noted that the Public Art Commission had developed their work plan, and a Cultural Arts Grant Program was added after being initiated by the City Council. She added that the Historical Advisory Board had a committee working with some citizens to develop an action plan based on the Historic Preservation Element of the General Plan.

Vice President Kohlstrand noted that while it was not required by State law, the Station area Plan for Alameda Point was required by a legal settlement.

A general discussion of placement of priorities ensued.

Ms. Woodbury noted that the Measure A workshop was part of the Housing Element update, and would need to follow the timing of that Element update.

Vice President Kohlstrand noted that workshop had major implications for what would happen at the Base.

In response to an inquiry by Board member Cunningham, Ms. Woodbury wished to clarify that an amendment to Measure A was not part of the discussion. Board member Cunningham inquired why the impact of Measure A on the Housing Element was being examined because the substance of Measure A relative to housing was well-known. Ms. Woodbury replied that the pros and cons of how Measure A affects the Housing Element must be discussed. She added that the Housing Element discussed “governmental constraints,” and that Measure A was a governmental constraint. She noted that the workshop would provide a good platform for public discussion in understanding it.

President Cook noted that the Housing Element was conditionally approved, and had never received final approval by the State.

Board member Lynch believed that Alameda may be vulnerable in not receiving a certified Housing Element if they do not tackle the Measure A question. He noted that the Housing Element directions have changed, and noted that the legislation was constantly being modified. He noted that not all that was considered to be good in the last round may be considered positively today. He noted that the requirements for the City were different than they were previously. He noted the connectivity between the mandated legislation

requirement of the Housing Element that was consistent with the Planning documents, and the analysis of the local ordinances and constraints was now a requirement of the Housing Element.

Ms. Woodbury noted that the Housing Element discussed development patterns and neighborhoods, and believed that if it remained as is, it would be sufficient for this exercise.

President Cook wanted to ensure that the Housing Element helped inform the development of Alameda Point more generally, not just for the sake of the Housing Element by itself.

Ms. Woodbury suggested that the Planning Board prioritize the first three items, and staff distributed the “dots” to the Board members.

Ms. Woodbury noted that the large spreadsheet contained an additional project which contained the big box retail definition, as well as appropriate policies and regulations.

In response to an inquiry by Board member Lynch whether there was a fast food policy, and noted that he would like to see a restaurant such as In-and-Out or Sonic, which would provide more healthful food for the kids.

Board member Cunningham noted that within the Northern Waterfront, it was stipulated that there be no fast food.

Ms. Woodbury summarized the Board members’ priorities:

1. The Sustainable Ordinances, including the landscape ordinance, received four #1s, and two #2s;
2. The Design Guidelines for the waterfront, small lot residential and commercial areas received one #1, four #2s, and two #3s;
3. Global Sustainability received one #3;
4. The Parking Ordinance amendments received one #1 and three #3s.

Ms. Woodbury noted that there was not much interest in defining and developing policies with respect to big box retail.

“President Cook noted that the Board members only had three dots, and that did not indicate lack of interest in other planning projects.”

Vice President Kohlstrand wished to note that the big projects (such as Alameda Landing and South Shore Towne Centre) were not on this list, and were assumed to be continuing.

Board member Ezzy Ashcraft noted that the items mandated by the State were set aside from the voting categories by the board.

In response to an inquiry by Board member Cunningham whether the Board would consider bringing back the Downtown Vision Task Force, Ms. Woodbury replied that the City



Council had recalled that was a Development Services project, and that they would be the lead department before taking it to the EDC.

President Cook requested copies of the quarterly reports, and recalled that there were many important concepts in the Vision Plan that are probably still relevant.

Board member Ezzy Ashcraft noted that she would like see more business activity on Webster Street, especially as the development of Alameda Landing continues. She suggested that may be addressed by EDC and Development Services.

Ms. Woodbury noted that staff would provide updates to the Planning Board when they are available.

No action was taken.

#### 10. WRITTEN COMMUNICATIONS:

##### 10-A Status of Compliance with Conditions of Approval for Bridgeside Shopping Center

Ms. Woodbury noted that Planner Douglas Vu was working with Bridgeside to complete compliance with other conditions of approval before signing off on the site. Staff went through Board member McNamara's memo and responded in writing regarding the status of Bridgeside. She noted that the Board would take a walk-through of the site once it was completed.

Board member McNamara noted that after reviewing the response, and that she had missed the final approval meeting on the project. She believed that some of the responses to her concerns seems somewhat weak in that when a wooden lattice, one would assume that plants would be planted under the lattice to cover it. From the response, it seemed that was not the intent for the landscaping. She did not believe that a lattice was a design feature; the addition of wisteria or bougainvillea did constitute a design feature. She found it hard to believe that it had taken so long to get the canopies and fabrics approved and put it. She would like to meet with Mr. Vu to review the details, and try to learn from it moving forward. She believed that some of the responses were disheartening.

Ms. Woodbury wished to respond to the Compliance with Conditions, and noted that staff was charged with ensuring that the Building side worked on all the Building Code issues, that Planning worked with the approved plans through the permit process, and that the planners work on resolving any issues with respect to compliance with the conditions of the discretionary approvals. She noted that on projects of any size, it was the last 10% that took 90% of the time, which was the nature of the business.

Board member Ezzy Ashcraft noted that on page 2, she was concerned about the response with respect to a driveway that had been designated off of Tilden Way. She understood

the explanation of why that driveway was removed. She was concerned that the removal of the driveway did not require subsequent Planning Board review and approval because the scenario without the driveway was contemplated in the original approvals, and that it was not an original condition of approval required by the Planning Board or City Council. She believed it should have returned to the Planning Board out of courtesy and respect. She believed that the banners all over, including the Tilden Way sign, were visually offensive. She inquired how long a business can have a grand opening. She believed it detracted from the appearance of the center, and would like some limitation to those banners. She looked forward to the walk-through.

Vice President Kohlstrand noted that she had a similar concern about the driveway, and was curious whether it was part of the approved plan; in that case, it seemed logical that it return to the Planning Board. She noted that her daughter worked at one of the new businesses, which did not have a functioning restroom; some other businesses shared that condition, and she believed that should be looked at.

President Cook noted that she looked forward to meeting to learn from this experience, and realized that Mr. Vu was not the original planner. She noted that there had been a disconnect between what the Planning Board was looking for, what was in the staff report, and what ended up being built. She wanted to ensure that the conditions reflected the stated intentions of the Planning Board. She would like to see more reflection of the Board members' emotional comments to give the conditions the teeth they expected. She noted that she had become very frustrated with this project, and added that the staff report read, "On August 22, the Board reviewed and approved 6-1, the final waterfront design, landscaping and building elevations." She wished to correct that vote, which was 5-1, because she was opposed to the project at that time; Board member McNamara was absent.

Ms. Woodbury would like to have this discussion on-site, and that she would be able to help the Board through this process in articulating their wishes. She agreed with President Cook that the Board should not have to review every single detail in the conditions. She noted that the approval was in the resolution, and suggested that the Board ensure that the appropriate items were captured in the conditions.

President Cook expressed concern that the comments that were carefully documented in the minutes don't seem to carry much weight over time in the projects. Ms. Woodbury noted that they must be included in the conditions of approval.

Vice President Kohlstrand cautioned that the Board should not do the staff's job, and although she understood President Cook's frustration, she did not want to further slow the process down.

President Cook noted that because staff had little time with the drawings and documents, the Board members had even less time to review them.

11. BOARD COMMUNICATIONS:

- a. Oral Status Report regarding the Oakland/Chinatown Advisory Committee (Board Member Mariani).

Board member Mariani was not in attendance to present this report.

- b. Oral Status Report regarding the Transportation subcommittee (Vice President Kohlstrand).

Vice President Kohlstrand advised that there had been no meetings since her last report.

- c. Oral Status Report regarding the Alameda Climate Protection Task Force (Board Member Cunningham).

Board member Cunningham noted that as the report on the dais indicated, the report would go into a draft local action plan mode, and will return to the Task Force for review. He believed it would go through the various Boards for their review and comment, which was not noted in the summary. He noted that it contained a wide range of action plans and suggestions, and that it would go to City Council for review and possible approval.

Board member Ezzy Ashcraft requested information regarding the newly remodeled Long's on Santa Clara Avenue, which did not appear to have any bike parking outside. Ms. Woodbury noted that it was not required on the plans, but she would discuss it with Long's. She felt confident that they would install a bike rack.

12. ADJOURNMENT: 8:42 p.m.

Respectfully submitted,

Andrew Thomas, Secretary  
City Planning Board

These minutes were approved at the September 24, 2007, Planning Board meeting. This meeting was audio and video taped.